

In the
Indiana Supreme Court

FILED
APR - 8 2009

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IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR PORTER COUNTY

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Case No. 64S00-0904-MS-

142

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Porter Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Porter Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR64-CR2.2-4000.10 and 4000.30 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the this Court's website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR64-CR2.2-4000.10 and 4000.30 for Porter County Courts, set forth as an attachment to this Order, are approved retroactive to January 8, 2009. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Mary R. Harper, Porter Circuit Court, 16 Lincolnway, Valparaiso, IN 46383; the Hon. William E. Alexa, Porter Superior Court, 16 Lincolnway, Valparaiso, IN 46383; the Hon. Roger V. Bradford, Porter Superior Court, 16 Lincolnway, #338, Valparaiso, IN 46383; the Hon. David L. Chidester, Porter Superior Court, 16 Lincolnway, #228, Valparaiso, IN 46383; the Hon. Julia M. Jent, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995; the Hon. Jeffrey L. Thode, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995; and to the Clerk of the Porter Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Porter Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 8th day of April, 2009.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR64-CR2.2-4000 CASE ASSIGNMENT AND ALLOCATIONS

4000.10 Superior Division.

The Administrator of this Court shall maintain two opaque containers. In each shall be placed four (4) black marbles, four (4) white marbles and four (4) green marbles. One container shall be designated for use in Class D felony charges to be filed in the Superior Division and the other container shall be used for all other criminal charges filed in the Superior Division. Whenever the Prosecuting Attorney of Porter County wishes to initiate a criminal action in the Superior Division of the Court, the Prosecutor shall first go to the Office of the Court Administrator for purposes of determining before which judge the case shall be filed.

The Court Administrator shall remove one (1) marble from the appropriate opaque container. If the marble chosen is black, the Prosecutor shall be directed to take the probable cause affidavit and the charging information to Porter Superior Court #1 for approval and filing. If the marble chosen is white, the Prosecutor shall be directed to Superior Court #2, and if the marble is chosen green, the Prosecutor shall be directed to Circuit Court acting as Superior Court #5. After the Prosecutor is directed to the designated court, the marble chosen shall be placed in an opaque container separate from the original container. Subsequent criminal cases shall be assigned by this same process. Once all twelve (12) marbles have been removed from the original opaque container, they shall be replaced in the original container and the same process will be followed for assignment of subsequent cases. In addition, the Court Administrator shall remove a number of marbles of the same color which corresponds with the number of multiple defendants when the case assigned has multiple defendants.

Class D felony charges filed in the Clerk's Office shall be assigned to Superior Courts 1, 2 and 5 on a rotating basis.

Any criminal case accepted into the Porter County Adult Drug Court Program in accordance with the Drug Court's policies and procedures will be assigned to the designated Porter County Adult Drug Court for further management.

4000.30 Transfers.

(1) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principals, cases involving the same defendant shall be transferred into one court for resolution of all the pending cases.

(2) MISDEMEANORS: Any subsequent Misdemeanor case filed against a defendant may be transferred to the Court where the defendant's oldest existing misdemeanor case is pending. In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the new Misdemeanor case shall be transferred to the probation case, unless the new Misdemeanor case can be resolved without

the resolution of the probation case. Pending is defined herein as any existing Misdemeanor case which is in pre-disposition status.

(3) D FELONY CASES: Any subsequent Misdemeanor or Class D Felony case may be transferred to the court where the defendant's oldest existing Class D Felony case is pending. In the event the defendant has an open probation case pending in any court and is subsequently charged with a D Felony case, the D Felony case may be transferred to the open probation case, unless the D Felony case can be resolved without the resolution of the probation case.

(4) MURDER, A, B, and C FELONY CASES: Any subsequently filed Misdemeanor or D Felony case may be transferred to the court where the defendant's oldest Major Felony case is pending. However, no new Misdemeanor involving Title 9 (traffic) may be transferred without prior agreement of both the sending and receiving court.

(5) Any Court may choose to "opt out" of transferring or receiving transferred cases by notifying the other Superior Courts of their election to not transfer or accept transferred cases.

(6) DRUG COURT: If accepted into the Porter County Adult Drug Court Program, qualifying criminal cases shall be transferred in accordance with the Drug Court's policies and procedures to the Superior Court designated as the Drug Court.

4000.50 Adult Drug Court Program.

(1) Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.

(2) Those persons directed to participate in the Porter County Adult Drug Court Program shall pay the program fee, not to exceed five hundred (\$500) dollars, in accordance with IC 12-23-14.5-12, as well as any additional costs associated with recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

(3) The day-to-day operation and management of the Porter County Adult Drug Court Program has been established in and assigned to Porter County Superior Court # 3. The Drug Court Program shall be reviewed by the Porter County Superior Court judges when necessary, and upon review and agreement by all judges, the Drug Court Program may be established in additional courts as needed.

LR64-AR00-7200 Porter County Adult Drug Court Program

A Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 and in accordance with Porter County Local Rules.

LR64-JV00-8030 Porter County Juvenile Drug Court Program

A Porter County Juvenile Drug Court Program is established pursuant to IC 12-23-14.5-1 to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible juveniles, as determined by its written policies and procedures. The Porter County Juvenile Drug Court Program shall be operated and managed in accordance with its established policies and procedures.